THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RODNEY BARBER :
:
v. : C.A. NO.: 05-390-ML
VERIZON NEW ENGLAND, INC :

MOTION TO AMEND COMPLAINT

Now comes the Plaintiff in the above captioned cause and moves that it be permitted to amend the Complaint. This is predicated on that additional facts needed to be included showing the actions that Lorna Deplitch and Joseph Conway III took or did not take towards the Plaintiff. Attached hereto is a copy of the Amended Complaint.

PLAINTIFF
By his Attorney

BRUCE P. GLADSTEIN (#5272)
750 EAST AVENUE
PAWTUCKET, RI 02860
(401) 722-9900

CERTIFICATION

I hereby certify that on the 18 day of January 2006 I mailed a true copy of the within, postage prepaid to Attorney John D. Doran, Edwards & Angell, LLP, 2800 Financial Plaza, Providence RI 02903, and Attorney Timothy P. Van Dyck, Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110.

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FOR THE DISTRICT OF RHODE ISLAND

RODNEY BARBER	:	
	:	
v.	:	C.A. NO.: 05-390-ML
VERIZON NEW ENGLAND, INC	:	

MEMORANDUM IN SUPPORT OF MOTION TO AMEND COMPLAINT

Now comes the Plaintiff in the above-entitled matter and hereby requests permission to amend the Complaint in that additional facts need to be included showing the actions that Lorna Deplitch and Joseph Conway III took or did not take towards the Plaintiff to present a prima facea case for violation of the Rhode Island Civil Rights Act, R.I.G.L. 42-112-1, *et. seq.*; and for Vicarious Liability. Rule 15 (a) of the Federal Court Rules of Civil Procedure states that "a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and *leave shall be freely given when justice so requires*."(emphasis added). Rule 15 of the Federal Rules of Civil Procedure (a) liberally permits amendment absent a showing of extreme prejudice. Inleasing Corp. v. Jessup, 475 A.2d 989, 993 (R.I. 1984). This Rule is in effect to allow amendments in order to facilitate the resolution of disputes on their merits rather than on blind adherence to procedural technicalities. Id. at 992.

In the case at hand, claims were brought against said Defendants under the Rhode Island Civil Rights Act, R.I.G.L. 42-112-1, *et. seq.*, the Rhode Island Fair Employment Act, R.I.G.L. 28-5-7, *et. seq.*, and Vicarious Liability in the original complaint. Plaintiff recognizes that it can not bring suit under the Rhode Island Fair Employment Act, R.I.G.L. 28-5-7, *et. seq.* However, Plaintiff should be allowed to bring claims under the Rhode Island Civil Rights Act, R.I.G.L. 42-112-1, *et. seq.*; and for Vicarious Liability. In that said Defendants had notice as of the time of being served and the action is within the three (3) year statute of limitations, there is no undue prejudice to any party.

Therefore, Plaintiff respectfully requests this Honorable Court to grant permission to Amend the Complaint to add additional facts needed to be included showing the discriminatory actions that Lorna Deplitch and Joseph Conway III took or did not take towards the Plaintiff.

PLAINTIFF
By his Attorney

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